

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested.

As now amended, claims 1-13, 16-27, 29-37, 39-45, 48-56, 58-61 and 64-71 remain pending in the present application including independent claims 1, 27, 45 and 49.

In the Office Action, independent claims 1, 27 and 49 were rejected under 35 U.S.C. §103 as allegedly being obvious in view of U.S. Patent No. 2,003,690 to Lewton. In addition, independent claim 1 was also rejected under 35 U.S.C. §103 as allegedly being obvious in view of U.S. Patent No. 6,823,872 to Hampf (Hampf '872). As now amended, however, all of the independent claims are believed to patentably define over Lewton and Hampf '872 as discussed in greater detail below.

The claims of the present application are directed to a smoking article and to a process for reducing carbon monoxide delivery in a smoking article. Claim 1, for instance, defines a smoking article comprising a wrapper surrounding a column of a smokable filler. A carbon monoxide reducing agent is present in the wrapper in an amount sufficient to reduce the carbon monoxide delivery by at least 10%.

Claim 1 has now been amended to require that the carbon monoxide reducing agent comprise calcium peroxide, a Group VIII oxide, a Group VIII carbonate, or mixtures thereof. Claim 1 has also been amended to require that the carbon monoxide reducing agent be present in the wrapper in an amount of at least about 3% by weight of the wrapper. Claims 27, 45 and 49 have been similarly amended.

As now amended, Applicants submit that all of the independent claims patentably define over Lewton and Hampf '872. For example, Lewton only discloses treating the smoking tobacco and does not disclose or suggest putting any materials in a wrapper. In fact, Lewton teaches that the materials are added to the tobacco in order to effect a "more complete combustion of the tobacco". Thus, when viewing Lewton in its entirety, one would not be motivated to place the materials in the wrapper and expect any significant reduction in carbon monoxide. As such, it is believed that independent claims 1, 27, 45 and 49 all define over Lewton.

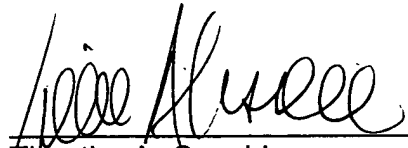
Hampl '872 is directed to reducing carbon monoxide delivery in a smoking article by constructing a wrapping paper having a relatively low fiber basis weight. Hampl '872 does disclose that a black pigment may be incorporated into the paper wrapper in an amount up to about 2% by weight for the purpose of increasing opacity. Nowhere, however, does Hampl disclose or suggest incorporating calcium peroxide, a Group VIII oxide, a Group VIII carbonate, or mixtures thereof into a wrapper in amounts of at least about 3% by weight. Hampl '872 also does not disclose or suggest that such agents are capable of reducing carbon monoxide delivery. Consequently, Applicants submit that claims 1, 27, 45 and 49 also define over Hampl '872.

In the Office Action, U.S. Patent No. 4,739,775 to Hampl and U.S. Patent No. 3,621,851 to Heskett were also cited in combination with Hampl '872 and Lewton respectively. Heskett and Hampl '775, however, do nothing to cure the above noted deficiencies of Lewton and Hampl '872. As such, it is believed that the claims patentably define over these references as well.

In summary, Applicants submit that the present application is in complete condition for allowance. Should any issues remain after consideration of this amendment, however, then Examiner Mayes is invited and encouraged to telephone the undersigned at her convenience.

Respectfully submitted,

DORITY & MANNING, P.A.



Timothy A. Cassidy
Registration No.: 38,024

March 23, 2006

Date

P. O. Box 1449
Greenville, SC 29602-1449
Phone: 864-271-1592
Facsimile: 864-233-7342